

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHANTEZ O.D. THROWER,
Plaintiff,
v.
PARKER, et al.,
Defendants.

Case No.: 3:24-cv-00412-ART-CSD

ORDER

On September 23, 2024, the Court directed Plaintiff to file a complete application to proceed *in forma pauperis* or pay the \$405 filing fee by November 20, 2024. (ECF No. 3). In response, Plaintiff has filed two notices indicating that he is attempting to get the necessary financial documents but that he has not been successful. (ECF Nos. 4, 5). In light of these notices, the Court grants Plaintiff an extension until **January 6, 2025**, to file a complete application to proceed *in forma pauperis*. As discussed in greater detail below, if Plaintiff cannot obtain a complete financial certificate and a prison trust fund account statement for the previous six-month period, he may instead file his application to proceed *in forma pauperis* together with a declaration detailing his efforts to obtain these documents.

I. DISCUSSION

Under 28 U.S.C. § 1915(a)(2) and Nevada Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the action without prepaying the full \$405 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

1 If Plaintiff is having difficulty obtaining the required financial certificate and inmate
2 account statement for the previous six-month period from prison or jail officials, then
3 Plaintiff must file the first three pages of the application to proceed *in forma pauperis* on
4 this Court's approved form together with a declaration detailing when he requested the
5 financial documents, who he spoke to about the status of the documents, who he followed
6 up with after he did not receive the documents, and their responses. Plaintiff's declaration
7 will include dates of his requests, dates of his follow-up requests, names of the officials
8 that he spoke to about the matter, and their responses. If Plaintiff's declaration
9 demonstrates that he has done all that was possible to acquire the documents from prison
10 or jail officials, the Court will consider his application to proceed *in forma pauperis* to be
11 complete.¹

12 II. CONCLUSION

13 It is therefore ordered that Plaintiff has **until January 6, 2025**, to either pay the full
14 \$405 filing fee for a civil action or file a new fully complete application to proceed *in forma*
15 *pauperis* with all three required documents: (1) a completed application to proceed *in*
16 *forma pauperis* with the inmates two signatures on page 3, (2) a financial certificate that
17 is properly signed both by the inmate and a prison or jail official, and (3) a copy of the
18 inmate's prison or jail trust fund account statement for the previous six month period.

19 It is further ordered that if Plaintiff is not able to obtain his financial certificate and
20 inmate trust fund account statement from prison or jail officials, Plaintiff has **until January**
21 **6, 2025**, to file the first three pages of the application to proceed *in forma pauperis* on the
22 Court's approved form together with a declaration detailing the efforts that he took to
23 acquire the financial documents from prison or jail officials.

24 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
25 he fails to timely comply with this order. Dismissal without prejudice allows Plaintiff to

26
27 ¹ Plaintiff must still submit the first three pages of the application to proceed *in*
28 *forma pauperis* on this Court's approved form with his declaration. If Plaintiff does not
submit the first three pages of the application to proceed *in forma pauperis* with the
declaration, the Court will recommend dismissal of this case without prejudice.

1 refile the case with the Court, under a new case number, when Plaintiff can either pay the
2 filing fee or properly apply for *in forma pauperis* status.

3 The Clerk of the Court is directed to resend Plaintiff Shantez O.D. Thrower the
4 approved form application to proceed *in forma pauperis* for an inmate and instructions for
5 the same.

6 DATED THIS 4th day of December 2024.

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10 UNITED STATES MAGISTRATE JUDGE